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**AUG 01 2003**

**OFFICE OF PETITIONS**

In re Application of  
Boliek, et al.  
Application No. 09/894,524  
Filed: June 27, 2001  
Attorney Docket No. 074451.P134

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 21, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on June 27, 2001, with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On April 11, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on June 27, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.<sup>1</sup>

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded.

The petition fee of \$1300 has been refunded to Deposit Account No. 02-2666.

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<sup>1</sup> See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35usc122b2binterpret.htm>.

The application file is being forwarded to Technology Center  
2100, Group Art Unit 2143, for examination.

Telephone inquiries regarding this decision should be directed to  
the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions